

REMARKS

After entry of the present Amendment, claims 15 and 17-32 remain in the application. Claim 15 has been amended through the present Amendment to include the substance of dependent claim 16, and claim 16 has been cancelled through the present Amendment. Claims 17-29 have been amended merely to address informalities relating to grammatical, dependency, and transition term issues. As such, no new matter has been added through the present Amendment.

Claims 15-23, 25-29, 31, and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,340,053 to Wu et al. Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wu et al. in light of United States Patent No. 5,628,206 to Baba. Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wu et al.

For the reasons set forth below, the Applicants respectfully assert that original dependent claim 16, now included in amended independent claim 15, is novel and non-obvious over Wu et al. and is, therefore, in condition for allowance.

With respect to the rejection under 35 U.S.C. §102(b) relying on Wu et al., the Applicants respectfully traverse the Examiner's arguments and submit that the claimed invention, as included in original dependent claim 16, the substance of which has now been incorporated into amended independent claim 15, is distinguishable over Wu et al. As the Examiner is well aware, to properly establish anticipation under 35 U.S.C. §102, the reference must teach each and every element of the rejected claim. See MPEP 2131. In the present case, Wu et al. fails to disclose plates assembled in groups or sub-groups such that they form at least two fluid passes, as currently claimed in amended claim 15. As made clear in Paragraph [0011] of the present

application, “[t]he term ‘pass’ is to be understood to mean a group or sub-group of plates between which the fluid follows one and the same direction in one and the same sense. In plates of one and the same pass, the inlet and outlet orifices are situated, in particular, at two opposite edges of said plates.” In contrast, Wu et al. discloses, in Column 6, lines 24-26, that U-shaped flow passages are formed between the plates. The plates define fluid ports 84 and 85 adjacent to each other and define fluid ports 86 and 87 adjacent to each other. Fluid flows in the U-shaped flow passages of Wu et al. between adjacent fluid ports 84 and 85 or between adjacent fluid ports 86 and 87. As such, Wu et al. fails to disclose plates assembled in groups or sub-groups such that they form at least two fluid passes as claimed in amended claim 15 of the present application. Wu et al., therefore, does not disclose each and every element of independent claim 15, as amended, and cannot properly anticipate this claim.

Additionally, it is clear that independent claim 15 is directed toward a “motor vehicle condenser.” Motor vehicle condensers are known in the art and, as discussed in paragraph 45 of the present application, exchange heat between refrigerating fluid and a cooling fluid, such as atmospheric air or, more applicably, water from the engine cooling circuit. More specifically, it is widely known that motor vehicle condensers cool the refrigerating fluid, which is in a gaseous state, to condense the refrigerating fluid. In contrast, the heat exchangers disclosed and taught in Wu et al. merely exchange heat between oil and water and do not disclose exchanging heat between a refrigerating fluid and water from the engine cooling circuit. For this reason also, Wu et al. does not anticipate the motor vehicle condenser claimed in amended claim 15.

Thus, Applicants respectfully submit that claim 15 as amended and claims 17-32, which depend directly or indirectly from the novel and non-obvious features of independent claim 15, are in condition for allowance and respectfully request such allowance.

This Amendment is timely filed with the proper fee for a Request for Continued Examination (RCE), and it is believed that no additional fees are presently due. However, the Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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